

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

C.M. No. 6181-CI of 2018 in/and
RFA No. 9625 of 2014
Date of decision: 05.09.2018

Subhash and others

....Petitioner(s)

Versus

State of Haryana and others

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA

Present: Mr. Ajay Jain, Advocate,
for the applicant-appellants.

Ms. Vibha Tewari, AAG, Haryana.

G.S.SANDHAWALIA, J. (Oral)

C.M. No. 6181-CI of 2018 has been filed for disposal of the main appeal in terms of ***RFA No. 9626 of 2014, Hanuman Singh vs. State of Haryana and others*** decided on 22.09.2015 (Annexure A).

Counsel for the State does not dispute the said proposition that for the notification dated 12.02.2008, the market value of the land acquired has been held to be Rs.50,00,000/- per acre alongwith all statutory benefits as per the above said judgment. The Collector had awarded a sum of Rs.27,50,000/- per acre which was enhanced by the Reference Court on 02.08.2014 to Rs.43,20,000/- per acre, which is the subject matter of appeal. This Court in *Hanuman Singh's case (supra)* has fixed the market value as under:-

“27. Considering the aforesaid material and also keeping in view the potentiality of the land, in my opinion, applying a thumb rule, the landowners in the present case deserve to be granted compensation @ Rs. 50,00,000/- per acre.

28. As far as claim for severance is concerned, learned counsel for the landowners has not been able to

point out that the land pertaining to any of the landowner has been bifurcated. The reason being that major portion of the land acquired for construction of bye-pass is adjoining to the land acquired for development as Sectors 4, 5 and 7A, hence, there is no question of any severance. In the absence thereof, the claim with regard to award of damages on account of severance is declined.

29. For the aforesaid reasons, it is held that the landowners shall be entitled to compensation @ Rs. 50,00,000/- per acre. They shall also be entitled to all statutory benefits available to them under the Act.

30. The appeals are disposed of, accordingly. ”

Counsel for the appellants further points out that the land owners had taken the matter to the Apex Court unsuccessfully in Special Leave to Appeal 13677-13693 of 2016, which was dismissed on 29.07.2016.

The matter having attained finality, the application for disposal of the appeal is allowed and the main appeal is taken on Board and is disposed of in the above said terms.

05.09.2018
shivani

(G.S. SANDHAWALIA)
JUDGE

Whether reasoned/speaking

Yes/No

Whether reportable

Yes/No